

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROYAL YATES,)
)
Plaintiff(s),) No. C05-1510 BZ
)
v.) **RULINGS ON OBJECTIONS AND**
) **MOTIONS IN LIMINE**
GUNNALLEN FINANCIAL and CURT)
WILLIAMS,)
)
Defendant(s).)
_____)

The court having reviewed the papers and considered the arguments of counsel and for the reasons discussed during the conference, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's objection to the proposed jury instructions is **OVERRULED**.
2. Defendant's objections to the proposed jury instructions are **OVERRULED**. A final set of jury instructions will be distributed to the parties on the morning of trial.
3. Plaintiff's motion in limine to exclude Mr. Kraus' testimony is **DENIED**. See Swinton v. Potomac Corp., 270 F.3d 794, 814 (9th Cir. 2001).

1 4. Plaintiff's motion in limine to restrict Mr. Nummi's
2 testimony is **DENIED**. Consistent with the guidelines
3 given during the conference, issues such as whether
4 Mr. Nummi's testimony improperly encompasses expert
5 opinion, or whether Mr. Nummi improperly seeks to
6 testify concerning documents not previously
7 produced, will be resolved on an issue-by-issue
8 basis.

9 5. Defendant's motion in limine to preclude plaintiff
10 from referring to Mr. Williams as an employee of
11 GunnAllen is **DENIED**, subject to being renewed at
12 trial if a further showing of his status is made.

13 6. Defendant's motion in limine to preclude plaintiff
14 from referring to Ms. Emrick as an officer or
15 director of GunnAllen is **GRANTED**.

16 7. Defendant's motions in limine to preclude reference
17 to the fact that neither Mr. Williams nor any
18 GunnAllen employees testified at the first trial
19 were withdrawn.

20 8. Defendant's motion in limine to preclude plaintiff
21 from introducing evidence that Continental Brokerage
22 was closed down by the regulators is **GRANTED** on the
23 grounds that such evidence is irrelevant. To the
24 extent that such evidence is relevant, its probative
25 value would be outweighed by the danger of unfair
26 prejudice, confusion of the issues or misleading the
27 jury. See FRE 403.

28 9. Defendant's motions in limine to preclude plaintiff

1 from introducing evidence about any other customer
2 complaints against Mr. Williams or GunnAllen are
3 **DENIED** insofar as such evidence is relevant to the
4 issue of notice.

5 10. Defendant's motion in limine to preclude plaintiff
6 from introducing evidence about any deficiencies
7 identified in regulatory examinations of GunnAllen
8 is **DENIED** insofar as such evidence is relevant to
9 the issue of notice.

10 Dated: November 6, 2006



11 _____
12 Bernard Zimmerman
13 United States Magistrate Judge

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